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7 Attorneys for Defendants
Bank of America, N.A., for itself and as successor
8 by merger to BAC Home Loans Servicing LP, fka
Countrywide Home Loans Servicing LP; Mortgage
9 Electronic Registration Systems, Inc.; and
ReconTrust Company, N.A.

REED SMITH LLP
A limited liability partnership formed in the State of Delaware

11 UNITED STATES DISTRICT COURT
12 SOUTHERN DISTRICT OF CALIFORNIA

14 JAMES J. GRUNDY,

15 Plaintiff,

16 v.

17 BANK OF AMERICA, N.A FKA,
COUNTRYWIDE HOMES LOANS
SERVICING, LP, MERS, RECONTRUST
COMPANY, N.A.,

20 Defendants.

Case No. S-1500-CV 275881

**DECLARATION OF CARLA MENINSKY
IN SUPPORT OF DEFENDANTS'
MOTION FOR JUDGMENT OF
DISMISSAL FOR FAILURE TO AMEND**

Date: October 1, 2012
Time: 10:30 a.m.
Place: Courtroom 1
Compl. Filed: March 6, 2012

Honorable Irma E. Gonzalez

[Filed concurrently with Motion and [Proposed] Order]

1. I, Carla Meninsky, am an attorney duly admitted to practice before all courts in the
2 State of California. I am a staff attorney at Reed Smith LLP, attorneys for
3 Defendants Bank of America, N.A., for itself and as successor by merger to BAC
4 Home Loans Servicing LP, fka Countrywide Home Loans Servicing LP; Mortgage
5 Electronic Registration Systems, Inc.; and ReconTrust Company, N.A. (collectively
6 “Defendants”). I have personal knowledge of the facts set forth herein, and if called
7 upon to do so could and would testify competently thereto.
8. Plaintiff James J. Grundy (“Plaintiff”) filed his Complaint in this matter on March 6,
9 2012.
10. Defendants timely filed a Motion to Dismiss on May 23, 2012 which Plaintiff did not
11 oppose.
12. On June 14, 2012 this Court took the matter under submission and vacated the
13 hearing which had been scheduled for June 25, 2012. On July 17, 2012, the Court
14 granted Defendants’ Motion to Dismiss, with prejudice as to his request for rescission
15 under TILA, and without prejudice as to his claims premised on fraud, RESPA, the
16 FDCPA, for declaratory relief and for damages under TILA. The Court gave the
17 Plaintiff twenty-one days to amend his Complaint. A true and correct copy of the
18 ruling is attached hereto as Exhibit A.
19. On July 18, 2012, the court served Plaintiff with notice of the ruling on Defendants’
20 Motion to Dismiss by mail. See, Exhibit B attached hereto.
21. Based on the July 18, 2012 order, served by mail, Plaintiff had until August 13, 2012
22 to file an amended complaint.
23. I am familiar with my office’s files in this action, and no Amended Complaint has
24 been received in this case.
25. On several occasions since July 18, 2012, I have checked this Court’s electronic
26 docket through www.pacer.gov (“PACER”), and it lists no Amended Complaint in
27 this action.
28. As of the date of filing of this Motion for Judgment, PACER does not reflect that

1 Plaintiff filed an Amended Complaint.

2 I hereby declare under penalty of perjury of the laws of California that the foregoing is true
3 and correct.

4 Executed on August 27, 2012 at San Francisco, California.

5 /s/ *Carla Meninsky*
6 Carla Meninsky

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